

AN ACT

relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 1701.055, Occupations Code, is amended to read as follows:

(c) Five members~~[, excluding ex officio members,]~~ constitute a quorum.

SECTION 2. Subsections (a) and (b), Section 1701.306, Occupations Code, are amended to read as follows:

(a) The commission may not issue a license to a person ~~[as an officer or county jailer]~~ unless the person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a ~~[physical examination,]~~ blood test~~[,]~~ or other medical test.

(b) An agency hiring a person for whom a license ~~[as an officer or county jailer]~~ is sought shall select the examining physician and the examining psychologist or psychiatrist. The agency shall prepare a report of each declaration required by

1 Subsection (a) and shall maintain a copy of the report on file in a  
2 format readily accessible to the commission. A declaration is not  
3 public information.

4 SECTION 3. Subsection (e), Section 1701.310, Occupations  
5 Code, is amended to read as follows:

6 (e) A person trained and certified by the Texas Department  
7 of Criminal Justice to serve as a corrections officer in that  
8 agency's correctional institutions division is not required to  
9 complete the training requirements of this section to be appointed  
10 a part-time county jailer. Examinations under Section 1701.304 and  
11 psychological [~~and physical~~] examinations under Section 1701.306  
12 apply.

13 SECTION 4. Section 1701.353, Occupations Code, is amended  
14 to read as follows:

15 Sec. 1701.353. CONTINUING EDUCATION PROCEDURES. (a) The  
16 commission by rule shall adopt procedures to:

17 (1) ensure the timely and accurate reporting by  
18 agencies and persons licensed under this chapter [~~peace officers~~]  
19 of information related to training programs offered under this  
20 subchapter, including procedures for creating training records for  
21 license holders [~~individual peace officers~~]; and

22 (2) provide adequate notice to agencies and license  
23 holders [~~peace officers~~] of impending noncompliance with the  
24 training requirements of this subchapter so that the agencies and  
25 license holders [~~peace officers~~] may comply within the 24-month  
26 period or 48-month period, as appropriate.

27 (b) The commission shall require agencies to report to the

1 commission in a timely manner the reasons that a license holder  
2 [~~peace officer~~] is in noncompliance after the agency receives  
3 notice by the commission of the license holder's [~~peace officer's~~]  
4 noncompliance. The commission shall, following receipt of an  
5 agency's report or on a determination that the agency has failed to  
6 report in a timely manner, notify the license holder [~~peace~~  
7 ~~officer~~] by certified mail of the reasons the license holder [~~peace~~  
8 ~~officer~~] is in noncompliance and that the commission at the request  
9 of the license holder [~~peace officer~~] will hold a hearing as  
10 provided by this subsection if the license holder [~~peace officer~~]  
11 fails to obtain the required training within 60 days after the date  
12 the license holder [~~peace officer~~] receives notice under this  
13 subsection. The commission shall conduct a hearing consistent with  
14 Section 1701.504 if the license holder [~~peace officer~~] claims that:

- 15 (1) mitigating circumstances exist; or  
16 (2) the license holder [~~peace officer~~] failed to  
17 complete the required training because the license holder's [~~peace~~  
18 ~~officer's~~] employing agency did not provide an adequate opportunity  
19 for the license holder [~~peace officer~~] to attend the required  
20 training course.

21 SECTION 5. Subchapter H, Chapter 1701, Occupations Code, is  
22 amended by adding Section 1701.358 to read as follows:

23 Sec. 1701.358. INITIAL TRAINING AND CONTINUING EDUCATION  
24 FOR POLICE CHIEFS. A police chief shall complete the initial  
25 training and continuing education required under Section 96.641,  
26 Education Code.

27 SECTION 6. Subsection (d), Section 1701.055, Occupations

1 Code, is repealed.

2       SECTION 7. The changes in law made by this Act to Section  
3 1701.306, Occupations Code, apply to a license for which an  
4 application is filed on or after the effective date of this Act. A  
5 license application filed before the effective date of this Act is  
6 governed by the law in effect on the date the application was filed,  
7 and the former law is continued in effect for that purpose.

8       SECTION 8. This Act takes effect September 1, 2011.

S.B. No. 542

Nanda Newhust

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 542 passed the Senate on March 24, 2011, by the following vote: Yeas 31, Nays 0; May 27, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

Daisy Law

Secretary of the Senate

I hereby certify that S.B. No. 542 passed the House, with amendments, on May 24, 2011, by the following vote: Yeas 147, Nays 0, two present not voting; May 28, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, two present not voting. \_\_\_\_\_

Robert Haney

Chief Clerk of the House

Approved:

17 JUN '11

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9 PM O'CLOCK

JUN 17 2011

Bob Radabaugh

Secretary of State